



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

GMP:MPR
F. #2009R01065

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 19, 2018

By ECF and Email

A. Eduardo Balarezo, Esq.
400 Seventh Street, N.W.
Suite 306
Washington, D.C. 20004

Re: United States v. Joaquin Archivaldo Guzman Loera
Criminal Docket No. 09-466 (S-4) (BMC)

Dear Counsel:

The government's next production of supplemental discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure will be available for you Monday, January 22, 2018 to obtain from the third-party vendor. This production includes material that is marked "Protected Material" and is subject to the terms of the Court's April 3, 2017 Protective Order. See Dkt. No. 57. The government is also producing draft transcripts pursuant to the parties' September 12, 2017 signed stipulation. This discovery production supplements previous productions on February 14, 2017, March 8, 2017, April 10, 2017, May 5, 2017, June 7, 2017, July 21, 2017, August 11, 2017, September 19, 2017, October 17, 2017, November 7, 2017 and November 21, 2017. The government will continue to produce discovery on an ongoing basis. The government also requests reciprocal discovery from the defendant.

The Government's Discovery

I. Documents and Tangible Objects

Bates-numbers

Description

0000293161 – 0000296330

Intercepted electronic communications and
accompanying draft translations

0000296331 – 0000296333	Data related to intercepted wire communications Bates numbered 0000000463, 0000003880 and 00000030867, which were previously produced to the defendant on April 10, 2017, May 2, 2017 and August 11, 2017, respectively, and 0000297135
0000296334 – 0000296993	Intentionally left blank
0000296994 – 0000297088	Intercepted wire communications, including statements of the defendant, and accompanying draft summaries
0000297089 – 0000297135	Intercepted wire communications and draft summaries ¹
0000297136 – 0000306492	Intercepted and recorded electronic communications
0000306493 – 0000309839	Draft summaries and translations of intercepted wire communications
0000309840 – 0000310901	Documents received from Union Pacific Railroad and related business records
0000310902 – 0000311010	Documents related to a weapons seizure
0000311011 – 0000311013	Documents related to a drug seizure
0000311014 – 0000311329	Draft summaries of intercepted wire communications
0000311330 – 0000313378	Documents received from Ecuador via Mutual Legal Assistance Treaty related to drug seizures

¹ In its discovery letter dated August 11, 2017, the government indicated that it was producing these intercepted wire communications and accompanying draft summaries (Bates number 0000030867); however, the majority of the audio recordings did not copy correctly during the production process. Thus, while the government produced draft summaries for nearly all of the recordings, it did not produce the recordings. The government therefore is reproducing the recordings today, along with some draft summaries not previously produced.

0000313379 – 0000313387	Documents received from Google LLC
0000313388	Intercepted wire communications
0000313389	Enhanced version of intercepted wire communication Bates numbered 0000000463 (call 3805)
0000313390	A video related to the torture of a rival of the defendant
0000313391 – 0000313408	Recorded calls made by the defendant from prison and accompanying draft transcripts
0000313409 – 0000313410	Intercepted wire communications, including statements of the defendant

The government is in possession of the weapons evidence identified in the document Bates numbered 0000310957–0000310958, which it may introduce at trial. Should the government locate any other such evidence, it will notify you promptly. You may examine physical evidence discoverable under Rule 16, including original documents, electronic devices, drug and weapon evidence and other tangible objects, when available, by arranging a mutually convenient time with the government.

The government notifies you that the documents with the following Bates numbers previously produced to the defendant are subject to the terms of the Court’s April 3, 2017 Protective Order: 0000053318–0000053442, 0000054025, 0000121199, 0000169762–0000169770, and 0000169956–0000169957.

II. Expert Notice

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert’s opinion. This letter supplements expert notice provided to the defendant by letter dated April 10, 2017 and September 18, 2017.

The government anticipates calling experts at trial to testify regarding (1) the enhancement of certain recordings that the government intends to introduce at trial and (2) means and methods of laundering the proceeds of international narcotics trafficking. The government will provide the identity, qualifications and bases for the conclusions of each

expert it intends to call at trial when they become available. As the government identifies additional experts, it will provide appropriate notice.

Very truly yours,

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cc: Clerk of the Court (BMC) (by ECF)